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Wyckoff CEO rips into own board

In email, hospital chief calls trustees "dysfunctional."

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By [Barbara Benson](#) @[Barbara Benson](#)

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1

If there were a poster child for Gov. Andrew Cuomo's controversial push for the power to seize control of hospital boards with significant management failures, it may be Wyckoff Heights Medical Center.

With net assets of minus-\$91 million, Wyckoff is fighting for survival. Yet its 22-member board is insisting the hospital remain independent, a stance that jeopardizes a state-backed plan to merge it with two other financially shaky Brooklyn medical centers.

Wyckoff's board could also be described as shaky. The chairman resigned his leadership post in January after scores of doctors at the Brooklyn hospital complained he had long tolerated conflicts of interests among trustees and management. Another Wyckoff board member, Dr. A.C. Rao, the hospital's chief of surgery until his resignation in December, is facing an investigation by the Brooklyn district attorney of his business dealings. Also being investigated are the hospital's former President and Chief Executive Ragiv Garg and its former General Counsel David Hoffman.

Case 1:09-cv-01410-KAM-RLM Document 127-6 Filed 05/16/12 Page 3 of 4 PageID #: 4477
Mr. Garg was ousted in December. Into this disarray stepped interim president Ramon Rodriguez, a health care and insurance executive with experience in hospital turnarounds. A mere three weeks into his new job, Mr. Rodriguez chastised Wyckoff's trustees in a blistering 1,700-word email obtained by *Crain's New York Business*.

The missive leaves no doubt of his opinion of the hospital's board, its blunt tone apparently fueled by the 5 a.m. hour of its drafting. Characterizing the board as "dysfunctional," Mr. Rodriguez alleged "dozens of inappropriate dealings" and a board culture that permitted "multiple generations of CEOs to corrupt this institution." Some longtime trustees, he added, "used the hospital almost as a toy, to be played with or ignored." And two board members could be implicated in "possibly criminal conduct," he wrote.

Mr. Rodriguez charged in the email that former chief surgeon Dr. Rao "used his position on the board to his advantage" by keeping other surgeons from working at Wyckoff. One of Mr. Rodriguez's first acts as Wyckoff's interim CEO was to demand Dr. Rao's resignation as chief of surgery, a post that paid the physician almost \$360,000 in 2009, according to the latest public records. With Dr. Rao's resignation, five general surgeons are preparing to join the hospital, Mr. Rodriguez wrote.

Grand jury inquiry

Dr. Rao, who remains on Wyckoff's board, did not respond to a request for comment on the email or the DA's investigation.

The DA's office, which is presenting findings to a grand jury, is investigating alleged financial ties between Dr. Rao and Mr. Garg and a medical school that's based in the Caribbean. It also is focusing on relationships among trustees, administrators and doctors at Wyckoff.

Mr. Rodriguez said in the email that former General Counsel David Hoffman "is under a cloud." An attorney for Mr. Hoffman said his client is out of the country and could not be reached for comment.

Mr. Garg's attorney, Jonathan Marks, said Mr. Garg "attempted to institute reforms. ... When Mr. Rodriguez learns the facts and comes to understand the substantial improvements Mr. Garg made to Wyckoff's financial condition, I am hopeful that he will view Mr. Garg in a more favorable light."

Much of Mr. Rodriguez's ire is directed at local attorney Emil Rucigay, who stepped down as chairman in mid-January but remains on the board, as does Mr. Rucigay's son John, also an attorney. With a second set of relatives also on Wyckoff's board, "you have permitted a kind of incest to exist forever. That must end," wrote Mr. Rodriguez.

Under Mr. Rucigay's reign, Wyckoff took over two other Brooklyn hospitals. The move ended badly, with the acquired hospitals going bankrupt and closing. The blame for that transaction, wrote Mr. Rodriguez, did not rest solely with the chief executive at the time. The board failed its fiduciary duties through a "lack of diligence in making decisions and lack of oversight [of] that CEO and others."

The Rucigay law firm did not respond to a request for comment.

On Dec. 23, Wyckoff trustees were asked to approve the appointment of Mr. Rodriguez and also a generous severance package for Mr. Garg. The exit deal proposed paying Mr. Garg his then-annual salary of \$700,000 through March 2013—\$875,000 in all. In addition, Wyckoff would reimburse Mr. Garg for expenses and attorneys' fees arising from the ongoing investigation.

Writing in the wee hours

Some trustees do not support paying Mr. Garg severance or covering his legal expenses. "We have to see the outcome of the grand jury investigation," Mr. Rodriguez agreed.

Informed that his email scolding his trustees had been shared with the press, Mr. Rodriguez told *Crain's* last week he was "upset that a very private email" was made public. He said he was "exasperated" when he wrote it in the wee hours.

As dysfunctional as the Wyckoff board may be, trustees seem unified on one point: They do not want to follow the recommendations of a report issued in November by a state task force on health care in Brooklyn.

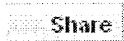
Mr. Rodriguez was on the state's Medicaid Redesign Team task force that recommended that Wyckoff integrate with Brooklyn Hospital Center and Interfaith Medical Center into a single system, with Brooklyn Hospital in charge. That is where Wyckoff's trustees have drawn a line in the sand.

"The board does not want to have a situation where Brooklyn Hospital is leading this hospital," Mr. Rodriguez explained. Trustees have cited concerns that Wyckoff's Bushwick neighborhood would lose out in any power shift.

Nevertheless, talks with the other two hospitals continue. The state is offering \$450 million in grants to support implementation of the task force recommendations. Those applications are due on Feb. 10.

"My intention is to submit an application with Brooklyn and Interfaith," Mr. Rodriguez said.

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